

# Exhibit A

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3                           SOUTHERN DIVISION

4       WILLIAM DAVID SEAL,  
5           Plaintiff,

6       VERSUS                   CIVIL ACTION NO: 1:08cv175LG-RHW

7  
8       HARRISON COUNTY, MISSISSIPPI,  
9       by and through its Board of  
10      Supervisors; HARRISON COUNTY  
11      SHERIFF, George Payne, in his  
12      official capacity; CORRECTIONS  
13      OFFICER THOMAS PRESTON WILLS,  
14      acting under color of state  
15      law; CORRECTIONS OFFICER RYAN  
16      TEEL, acting under color of  
17      state law; CORRECTIONS OFFICER  
18      MORGAN THOMPSON, acting under  
19      color of state law,  
20           Defendants.

21                           DEPOSITION OF WILLIAM DAVID SEAL

22           Taken at the offices of Brown Buchanan,  
23           P.A., 796 Vieux Marche' Mall, Suite 1,  
24           Biloxi, Mississippi, on Thursday,  
25           August 20, 2009, beginning at 9:30 p.m.

APPEARANCES:

26           PATRICK R. BUCHANAN, ESQUIRE  
27           Brown Buchanan, P.A.  
28           796 Vieux Marche' Mall, Suite 1  
29           Biloxi, Mississippi 39530  
30           ATTORNEY FOR PLAINTIFF

1 A. Yes, ma'am.

2 Q. -- when you entered the Harrison County  
3 jail?

4 A. Yes, ma'am.

5 Q. Now, once you entered the jail, isn't it  
6 true that you wanted a nurse to dress your wounds  
7 and attend to your wounds at that time?

8 A. Yes, ma'am.

9 Q. Okay. And according to your complaint,  
10 they didn't, correct?

11 A. True.

12 Q. And what wound is this that you're  
13 wanting them to dress?

14 A. I don't know.

15 Q. Okay. So you're just asking them to  
16 attend to the wounds that were bleeding, correct?

17 A. Right. Had bled.

18 Q. Had bled, I'm sorry. Now, you were  
19 ordered to go and stand and put your hands on the  
20 counter, the booking counter at the jail, weren't  
21 you?

22 A. Yes, ma'am.

23 Q. But you didn't; you started flailing  
24 around?

25 A. No, ma'am.

1 Q. Okay. What did you do when they ordered  
2 you to put your hands on the counter?

3 A. Put my hands on the counter.

4 Q. And then what happened next?

5 A. They did the -- stretched me just as far  
6 as possible. They had released the cuffs. They  
7 told me to stand back against the wall. I was  
8 standing there. That's when I demanded medical  
9 treatment again. They didn't want to do it. I  
10 demanded medical treatment again. They didn't  
11 want to do it.

12 Q. If I can stop you there if you don't  
13 mind.

14 A. Yes, ma'am.

15 Q. Why were you demanding medical treatment  
16 at that time? Were you in pain?

17 A. No. I saw that I had bled.

18 Q. Okay. So you saw blood on your shirt,  
19 so you were demanding --

20 A. On my body.

21 Q. -- medical treatment?

22 A. I didn't have a shirt on.

23 Q. Okay. Did you have any other scuffs or  
24 anything on your body?

25 A. Not that I recall.

1 Q. But you saw blood on your body, so you  
2 knew -- or you wanted medical treatment?

3 A. Yes, ma'am.

4 Q. Okay. And then what happened next?

5 A. They refused. They told me to stand  
6 back against the wall. I stood back against the  
7 wall. Wills, Officer Wills, Correction Officer  
8 Wills said, well, we'll just get some peroxide or  
9 some alcohol and pour it on your little wound. I  
10 said, no, you will not do such a thing because  
11 you're not going to pour a caustic substance in a  
12 fresh wound and make the wound worse.

13 Q. Okay. If I can stop you there. So  
14 Officer Wills did offer --

15 A. No.

16 Q. -- to give you some medical treatment?

17 A. That was a smart aleck response, in my  
18 opinion.

19 Q. In your opinion. But he did offer to  
20 pour some peroxide on your wound?

21 A. Which is rather stupid medically, I'm  
22 saying.

23 MR. BUCHANAN:

24 Answer her question.

25 THE WITNESS:

1 Yes, ma'am.

2 MS. BROOM:

3 Q. So you disagree with the treatment he  
4 was offering?

5 A. Absolutely.

6 Q. But he did offer it?

7 A. Yes.

8 Q. Okay. And you disagreed with it because  
9 you're a nurse and you thought you knew better,  
10 correct?

11 A. Yes. I know I know better. I'm sorry.

12 Q. I'm not going to dispute that, but --

13 And then what happened after he offered  
14 the treatment and you declined it? Then what  
15 happened?

16 MR. BUCHANAN:

17 By "treatment," you're meaning when he  
18 offered to pour peroxide on him?

19 MS. BROOM:

20 Correct.

21 THE WITNESS:

22 And alcohol.

23 MR. BUCHANAN:

24 And alcohol.

25 MS. BROOM:

1 Okay.

2 MR. BUCHANAN:

3 What happened next?

4 A. As I recall, Wills and I kind of went  
5 back and forth.

6 MS. BROOM:

7 Q. Verbally?

8 A. Verbally.

9 Q. Okay. Where were you standing at that  
10 moment?

11 A. Back against that wall.

12 Q. Was the Gulfport Police Department  
13 officer still there?

14 A. I remember him coming in giving the  
15 corrections officers the paperwork and leave.

16 Q. Okay. So you're back against the wall?

17 A. Yes, ma'am.

18 Q. And is it just you and Wills there?

19 A. No. There was several other correction  
20 officers back behind the cage.

21 Q. Okay. And then what happened next? How  
22 long did y'all have this verbal altercation, or  
23 verbal argument rather?

24 A. Maybe five minutes. And --

25 Q. What was said during this argument; do

1 you know?

2 A. Kind of debating over him saying that he  
3 was going to put alcohol and peroxide on the wound  
4 and him continuing it, and I said, no, you're not.  
5 And I told him -- what did I tell him? I told him  
6 again that I wanted to see the nurse for  
7 treatment. And I can't remember exactly which,  
8 but there were curse words exchanged between --

9 Q. So you're admitting that you were using  
10 profane language against Wills?

11 A. I admit that, and I admit that he was,  
12 also. And he said, Motherfucker, just wait a  
13 minute.

14 Okay. ' So whatever he was doing, got  
15 through. They came around the side of booking,  
16 and I remember Thompson grabbing me, along with --  
17 I can remember Thompson and Wills. Those are the  
18 two I can really remember -- I know there was  
19 others there -- and slamming me to the ground and  
20 slamming my eyebrow into the pavement. I swear to  
21 God I remember that. And I remember Thompson  
22 putting my head into a choke hold, Wills grabbing  
23 my thumb, and I do remember passing out. I  
24 remember coming to, and one of the corrections  
25 officers said, put the cuffs on just as tight as



1 you can. And then they put me back up against the  
2 wall, and I was sitting there.

3 Q. Okay. Let's stop there, if you don't  
4 mind --

5 A. Yes, ma'am.

6 Q. -- and go back through this. Now, when  
7 y'all were back against the wall, you and Wills  
8 had some argument, according to you. And then he  
9 left, I'm assuming, because you said he came back.

10 A. They went back behind the cage after.

11 Q. Were y'all arguing from him being behind  
12 the booking counter to you on the wall? Were  
13 y'all arguing amongst yourselves at that time?

14 A. No. After they had put the choke hold  
15 on me and I --

16 Q. Before the choke hold. I'm sorry. Just  
17 the argument that y'all had about the peroxide.

18 A. We were doing what, now?

19 Q. Where were y'all when you were arguing?  
20 You were against the wall, and where was Wills?

21 A. I was against the wall. He was in the  
22 cage.

23 Q. Okay. And then when he came around,  
24 when Wills came around --

25 A. With the other ones.

1 Q. So you're testifying that Wills and  
2 Thompson both walked around the --

3 A. And a couple of others.

4 Q. Okay. Let me finish my question.

5 A. Oh, I'm sorry.

6 Q. Were you ordered to come up to the  
7 counter at that time?

8 A. No.

9 Q. Okay. So you never came to the counter,  
10 the booking counter?

11 MR. BUCHANAN:

12 You mean after he had already been  
13 there?

14 MS. BROOM:

15 Right.

16 MR. BUCHANAN:

17 Because he testified earlier --

18 MS. BROOM:

19 Right. I'm sorry.

20 Q. After you had the argument while you  
21 were on the wall, did you ever come back to the  
22 booking counter?

23 A. No. I walked towards them --

24 Q. Right.

25 A. -- and put my hands up like that when

1 they all came out around the cage.

2 Q. Okay. Well, let's stop there. When  
3 they walked out, was something said by you or the  
4 officers?

5 A. Not that I recall.

6 Q. Okay. Why would you walk from the wall  
7 and hold your hands up?

8 A. Because they come rushing around there  
9 like they were going to assault me.

10 Q. Well, did you know that for sure at that  
11 time?

12 A. In my heart, yes, ma'am.

13 Q. Okay. So the officers were walking out.  
14 They didn't say anything, correct?

15 A. Not that I recall.

16 Q. And they were just walking around the  
17 corner?

18 MR. BUCHANAN:

19 Object to the form.

20 A. No. They weren't walking around.

21 MS. BROOM:

22 Q. Okay. Explain how they were coming  
23 around the corner.

24 A. Coming around rapidly, fast.

25 Q. And then you started walking toward them

1 at that moment with your hands --

2 A. With my hands up.

3 Q. And what were you saying?

4 A. I don't remember saying anything.

5 Q. Could you have said something at that  
6 time?

7 A. I don't know if there was time to really  
8 say anything.

9 Q. Okay. Were you waving your hands  
10 around?

11 A. I just recall putting them up.

12 Q. Could you have been waving your hands  
13 around?

14 A. No.

15 Q. But you don't recall, correct? So  
16 either you don't know if you did, you don't recall  
17 if you did, or you didn't. There's a difference.

18 MR. BUCHANAN:

19 Again, tell her what you recall doing  
20 for the fifth time.

21 A. I recall putting my hands up. If I  
22 waved them like that, side to side motion, that's  
23 possible. Fists like a defensive stance or we're  
24 going to fight, no, absolutely not.

25 MS. BROOM:

1 Q. Okay. And that's my questions. I mean,  
2 I'm going to ask you what you recall, and I'm also  
3 going to ask you do you know for certain that you  
4 didn't do it. And there's a difference; you  
5 understand that, correct?

6 A. Yes, ma'am.

7 Q. So you just stated there's a possibility  
8 you could have been waving your hands from side to  
9 side?

10 A. Possibly, yes.

11 Q. And that was at the time that the  
12 officers walked around the corner, correct?

13 A. Faster than walk, but correct.

14 Q. I apologize for that. And then at that  
15 moment you're alleging that Officer Wills or  
16 Thompson came to you?

17 A. It was cumulative, but I remember they  
18 slammed me to the ground, they being the group. I  
19 don't know which particular one had the most force  
20 or greater leverage, or whatever.

21 Q. Right.

22 A. I remember, after hitting the pavement,  
23 that Thompson put me in the choke hold, Wills  
24 grabbed my thumb, and I passed out. When I came  
25 to, one of the correction officers said, put the

1 cuffs on just as tight as you can, and then they  
2 placed me back up against the wall.

3 Q. You're alleging when your body hit the  
4 ground, what parts of your body came in contact  
5 with the ground?

6 A. Left brow.

7 Q. Your left brow that time?

8 A. Yes, ma'am.

9 Q. Okay. And how do you recall that and  
10 not whether it did with the Gulfport Police  
11 Department --

12 A. Because right after that, there was  
13 blood streaming down through my eye where I could  
14 hardly see.

15 Q. Okay. So you started bleeding from your  
16 left eye is why --

17 A. Above it, yes, ma'am.

18 Q. -- you think you hit on the left side of  
19 your eye?

20 A. Yes, ma'am.

21 Q. Okay. Did you feel an impact on your  
22 left eye?

23 A. Yes, ma'am.

24 Q. When did you allegedly become  
25 unconscious?

1 A. Become unconscious?

2 Q. Uh-huh. Or lose consciousness.

3 A. When Wills choked me.

4 Q. Was that immediately after you hit the  
5 ground?

6 A. Within seconds.

7 Q. Okay. Now, you would agree with me that  
8 you came off the wall with your hands up without  
9 permission?

10 A. Uh-huh.

11 MR. BRENDL:

12 Answer out loud.

13 THE WITNESS:

14 Yes, yes, yes, yes, yes.

15 MS. BROOM:

16 Q. You would agree that you disobeyed the  
17 officers, too, correct? They told you to stand  
18 against the wall, didn't they?

19 A. Yes.

20 Q. And they were coming towards you, saw  
21 you off the wall and took you down, correct?

22 A. Slammed me down.

23 Q. They took you down to the ground,  
24 correct?

25 A. That's a way of putting it, correct.

1 Q. Is that the same way that you would have  
2 done in your psych ward?

3 A. Absolutely not. I never hurt a patient.

4 Q. Okay. I'm not saying that regarding the  
5 injury. But in the hospital, if one of your  
6 patients is not listening to you, wouldn't you  
7 have taken them down if you felt that your life  
8 was in danger or --

9 A. Right, but I also --

10 Q. -- they weren't listening to you?

11 MR. BUCHANAN:

12 You've got to let her finish. You're  
13 doing fine.

14 THE WITNESS:

15 I'm sorry, ma'am. Will you ask it  
16 again?

17 MS. BROOM:

18 Q. That's okay. It's fine. Have you ever  
19 had occasion to take one of your patients down?

20 A. Yes, ma'am.

21 Q. Okay. Because they weren't listening to  
22 you, correct?

23 A. Well, out of control.

24 Q. Right. Okay. So they took you down to  
25 the ground. What parts of your body hit the



1 ground?

2 A. Yes.

3 Q. What parts of your body hit the ground?

4 A. My left eyebrow.

5 Q. Okay. How did your nose not hit the  
6 ground? How did it not make contact and get  
7 injured?

8 A. At an angle.

9 Q. Okay. How did your forehead not hit the  
10 ground?

11 A. Part of the brow protrudes a little bit  
12 further than the forehead.

13 Q. How did your cheekbone not hit the  
14 ground?

15 A. This happened by the Gulfport cops, in  
16 my opinion.

17 Q. What happened?

18 A. This laceration right here.

19 Q. Your left -- you're pointing to your  
20 left cheekbone laceration?

21 A. Yes, ma'am, left cheekbone.

22 Q. By the Gulfport cops?

23 A. In my opinion, yes, ma'am.

24 Q. Okay. But what it appears to me is your  
25 left cheekbone area protrudes out further than

1 MR. BUCHANAN:

2 Well, if you can, you can. If you  
3 can't, you can't.

4 MS. BROOM:

5 Q. I'm referencing the first page when the  
6 nurse saw you. Isn't it true that the nurse saw  
7 you at 12:20 on 9/5/05?

8 MR. BUCHANAN:

9 Now, are you asking if that's true or if  
10 that's what's on the report?

11 MS. BROOM:

12 Q. Is that true?

13 MR. BUCHANAN:

14 Do you know?

15 A. I know a nurse, after my beating, did  
16 come to booking, did dress it, did tell the cops,  
17 correction officers he needs to go out, which is  
18 their lingo for needs to go to Memorial, he needs  
19 stitches. They said, no transports available. So  
20 they refused me medical care, absolutely refused  
21 me proper medical care.

22 MS. BROOM:

23 Q. Okay. And are you aware of whether the  
24 facility was having problems contacting Memorial  
25 Hospital due to it being five days after the

1 storm?

2 A. They contacted it when a physician said  
3 to send me.

4 Q. Are you aware that they were on a  
5 generator at that time and having problems with  
6 the electricity and the phone lines?

7 A. They have walkie-talkies.

8 Q. Okay. Are you aware that they were  
9 having problems with the power at that time; they  
10 were actually on a generator?

11 A. I would imagine they would have been.  
12 Was I actually aware, no, ma'am.

13 Q. And you would acknowledge that it was a  
14 little bit different circumstances being just  
15 within a week from Katrina, correct?

16 A. Than a normal like today?

17 Q. Right, right.

18 A. Yes, ma'am.

19 Q. Are you disputing that you did see the  
20 doctor at 12:20 --

21 A. No.

22 Q. -- on 9/5/05?

23 A. Nuh-uh.

24 Q. So that's approximately, I'm just going  
25 to say, 12 hours before you saw a doctor?

1 MR. BUCHANAN:

2 Doctor or nurse?

3 MS. BROOM:

4 The nurse. I apologize.

5 A. It's the nurse, yeah.

6 MS. BROOM:

7 Q. And you actually saw the doctor on  
8 9/5/05, but we do not have a time, and that you  
9 arrived at the Memorial Hospital ER on 9/5/05. It  
10 says 1426, so that would be 2:26. And so you had  
11 to see the doctor before 1426, correct?

12 A. Yes.

13 Q. So within 12 hours, you saw a nurse and  
14 a doctor at the jail, correct, of the alleged  
15 assault?

16 A. And what time are they saying the  
17 assault occurred, ma'am, at the jail?

18 Q. Well, I'm not sure what time the alleged  
19 assault occurred, but you arrived at approximately  
20 11:00.

21 A. That's 13, 14, 15 -- that's over 15  
22 hours. The altercation at the jail didn't happen  
23 long after I got there.

24 Q. Okay. Well, the records are what they  
25 are. We won't dispute over that. Just for

1 argument's sake, we'll assume your 15 hours. From  
2 the time -- did anything change, did your  
3 condition get worse within those 15 hours?

4 A. Yes.

5 Q. Okay. How was that?

6 A. Granulation starts in a wound, and it  
7 can embed bacteria and it -- it's not apt to  
8 suture as well.

9 Q. Okay. And did that occur in your  
10 situation?

11 A. Yes, it did. As Dr. Dominguez put in  
12 here, I'm sure, that he had to debride the wound;  
13 in other words, he numbs it and scrubs it to make  
14 it a fresh wound.

15 Q. Right. But it did eventually -- he did  
16 suture it and it did heal, correct?

17 A. Uh-huh.

18 Q. And you didn't develop any infection  
19 or --

20 A. No infection, but permanent nerve  
21 damage.

22 Q. Okay. Are you alleging that because of  
23 the alleged delay or --

24 A. No.

25 Q. Okay. Now, when you returned from

1 Memorial Hospital, you were taken to the medical  
2 unit, correct --

3 A. Yes, ma'am.

4 Q. -- and given your medications, or  
5 your Tylenol and Keflex, I believe.

6 A. Keflex, yes, ma'am.

7 Q. You were actually given water at that  
8 time?

9 A. I was given a plastic bottle of water.  
10 I took the medication with it. The nurse said,  
11 you can keep it. The cop said, no, you can't keep  
12 it. You can't bring that back on the block. And  
13 I did not -- I don't care what their little  
14 computer printout says, I did not have hydration  
15 other than that cup of milk the morning after  
16 arrest for breakfast and that sip of water to take  
17 that medicine with. The next morning when the  
18 nurse came by with my blood pressure medicine, I  
19 had to take it dry.

20 Q. Okay. Did you hear any comments about  
21 Katrina, having problems with water and food and  
22 anything like that? Did you hear any of those  
23 concerns at that time?

24 A. I saw many other people with cups.

25 Q. Okay. But you're alleging you did not

1 get a cup, even though the records, as you've seen  
2 apparently, say that you received a cup and a  
3 spoon?

4 A. I see a computer generated.

5 Q. Right. So are you disputing that you  
6 received a cup and a spoon?

7 A. Absolutely.

8 Q. Okay. Now, when you got your breakfast  
9 the morning of September 5th, did you eat that  
10 meal?

11 A. Yes, ma'am. I was fed.

12 Q. With that, you got the eight-ounce  
13 carton of milk, correct?

14 A. Yes, ma'am.

15 Q. And you got some water, let's see, water  
16 when you returned from the hospital on  
17 September 5th, correct?

18 A. Yes, ma'am.

19 Q. Now, when were you released?

20 A. I was thinking it was the 7th, but this  
21 says the 6th, but it also says at, what, 6:30 in  
22 the evening. The curfew was in effect then.  
23 There's no way I was released when there was a  
24 curfew on.

25 Q. So after this sip of water, you're

1 alleging that you weren't able to get any other  
2 water or food after that time, or hydration?

3 A. No. Food, I was fed.

4 Q. But with those meals, isn't it true that  
5 they give you some -- a milk --

6 A. If you have a cup.

7 Q. With those meals, don't they give you a  
8 carton of milk --

9 A. No.

10 Q. -- or Kool-Aid?

11 A. No. You use your cup, and they bring a  
12 container of Kool-Aid in, and you fill it.

13 Q. Did you tell the officer that you did  
14 not have a cup?

15 A. Many times.

16 Q. Okay. And what did they respond?

17 A. We're trying to get you one.

18 Q. Could you have used a cup from another  
19 inmate?

20 A. No. Not with, you know, hepatitis and  
21 other things.

22 Q. So you wouldn't have used a cup?

23 A. Right.

24 Q. Now, when you were released from the  
25 jail, you sent an e-mail to the sheriff, didn't